

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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JAMES FISHERAUER,

Plaintiff,

v.

No. 02-CV-511 (DRH)

CONSOLIDATED RAIL CORPORATION and  
CSX TRANSPORTATION, INC.,

Defendants.

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**JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT**

The Court has been advised by counsel to the parties in the above captioned case that the case has been settled. Counsel has also advised that no infant or incompetent is a party to this action. Accordingly, pursuant to N.D.N.Y.L.R. 68.2(a), it is hereby

**ORDERED** that:

1. The above captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion of any party within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated; and

2. The dismissal of the above captioned case shall become **with prejudice** on the thirty-first day after the date of the filing of this order unless any party moves to re-open this case within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated.

**IT IS SO ORDERED.**

DATED: September 26, 2005  
Albany, New York

  
UNITED STATES MAGISTRATE JUDGE